

JUNE 27, 2019 Public Comment Draft
LANCASTER COUNTY ZONING REGULATIONS

The Lancaster County Board of Commissioners has requested a review of the Lancaster County zoning regulations related to commercial animal feedlots. They established a working group to work with County staff to review state and other community regulations in order to advise on potential changes to the existing zoning.

A working group of ten persons, approved by the County Board, with varied interests was assembled to help develop conditions for Animal Feeding Operations (AFO). The group has met 6 times between March and May 2019 to discuss potential conditions for AFO's. Representatives from Nebraska Department of Environmental Quality, Lower Platte Natural Resource District, State Department of Agriculture, University of Nebraska and Lincoln-Lancaster County Health Department addressed the working group about current regulations and their agencies role in reviewing AFO's.

The Planning Department has prepared the following revisions for public review and comment. (The ~~strikeout~~ is for text that would be deleted and the underlined text would be new language in the County zoning regulations.)

Proposed Revisions to Article 2 Definition

2.002 A

"Agriculture" shall mean the use of land for the purpose of raising and harvesting crops; or for the raising, breeding, or management of livestock, poultry, fish or honeybees; or for dairying, truck gardening, forestry, nurseries or orchards; for the non-commercial on-farm storage or processing of agricultural products produced on the premises; or for any other similar agricultural, horticultural, or silvicultural or aquacultural use. Small Animal Feeding Operations, as defined by Nebraska Department of Environmental Quality Title 130, shall be agriculture.

"Animal Feeding Operation" shall mean a location where beef cattle, dairy cattle, horses, swine, sheep, poultry, or other livestock have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period and is defined as a medium or large "Animal Feeding Operation" by Nebraska Department of Environmental Quality Title 130. Animal Feeding Operation does not include aquaculture.

2.006. E.

Enclosed Animal Feeding Operation shall mean an Animal Feeding Operation that is within a totally enclosed building which is roofed, has walls that extend from the floor to the ceiling and contains floors which are hard surfaced, earthen, slatted, or other type of floor.

2.007. F.

~~Feed Lot, Commercial A use where the principal business is the feeding of livestock or poultry for the purpose of sale for slaughter or butcher. Commercial feed lot shall not include dairy herds or the keeping of livestock other than for slaughter or butcher.~~

2.016. O

Open Animal Feeding Operation shall mean pens, or similar concentrated areas, including small shed-type areas or open buildings wherein animals are fully or partially exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.

Proposed Revisions to Article 4 “AG” Agricultural District

4.003 Permitted Uses

a. ~~Agriculture, except commercial feedlots~~

4.007 Permitted Special Uses

aa. ~~Commercial feedlot.~~ Animal Feeding Operation

Proposed Revisions to Article 13 Special Permit

13.035. ~~Commercial Feedlot~~ Animal Feeding Operation

Commercial feedlot facilities for livestock and poultry may be allowed by special permit in the AG zoning district. The application for a special permit shall be accompanied by a statement from the Department of Environmental Quality (DEQ) that either the facility does not need to provide for anti-pollution controls, or that the applicant has received approval from DEQ for anti-pollution controls.

Animal Feeding Operation (AFO) may be allowed by special permit in the AG District under the following conditions:

1. A site plan showing the location and distance from lot lines of all confined areas, compost areas, and accessory buildings used as part of the Animal Feeding Operations.
2. A Construction and Operating Permit shall be approved by NDEQ prior to any building permit.
3. If required by Lancaster County Engineer, a road maintenance agreement shall be included as a condition of the special permit.
4. The applicant shall submit a completed "Nebraska Animal Feeding Operation Siting Assessment Matrix" as maintained by the Nebraska Department of Agriculture from time to time, or equivalent maintained by the Lincoln/ Lancaster County Planning Department if matrix is discontinued. Any necessary documentation shall be submitted to verify the accuracy of the completed matrix.
5. The AFO use, including confined feeding areas or buildings used to house animals, shall be setback, at a minimum, from the nearest wall of a dwelling that is not associated with the AFO, as shown below:

Open AFO 2,640 feet. (not including cattle or swine)

Enclosed AFO 1,320 feet

Cattle and swine shall be setback 5,280 feet (one mile) for an open AFO unless significant odor control measures are used, then the setback shall be a minimum of 2,640 feet.